APPENDIX

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No. 73-1766

UNITED STATES OF AMERICA, PETITIONER

v.

RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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*The opinion and order of the district court filed May 20, 1974 are printed at pp. 15-23 of the Appendix to the petition in No. 73-1766.

551-170—74——1

RELEVANT DOCKET ENTRIES

Date	*Proceedings*
Mar. 1, 1974	Each: Presentment made of indictment and indictment filed in Open Court.
Apr. 16, 1974	Defendant Mitchell et al: Motion of Government for Order pursuant Rule 17(c) Federal Rules of Criminal Procedure for issuance of subpoena; Affidavit in Support; Exhibits A and B.
Apr. 17, 1974	Motion of Defendant Colson to join in Motion for order directing issuance of subpoena and further moves that the attorneys be permitted to inspect all materials in addition to inspection thereof by the attorneys for the Government.
Apr. 18, 1974	Motion of Defendant Mardian joining in the Motion of the Special Prosecutor for an Order pursuant to Rule 17(c) Federal Rules of Criminal Procedure for issuance of subpoena.
	Each: Order granting motions of U.S. and Defendants Colson and Mardian for issuance of a subpoena for the production of certain materials before the Court and directing that subpoena issue and made returnable before the Court at 10:00 A.M. on May 2, 1974.
Apr. 19, 1974	Motion of Defendant Parkinson to join Motion of Special Prosecutor for Order directing issuance of subpoena duces tecum.
	Response of Defendant Haldeman to Motion of U.S. under Rule 17(c) for issuance of subpoena duces tecum.
May 1, 1974	Special Appearance and Motion to Quash subpoena issued April 18, 1974; Formal Claim of Privilege; Memorandum in Support of; Appendix I.
	Reply of Defendant Mardian to President's Motion to Quash subpoena duces tecum;
May 3, 1974	Motion of Defendant Strachan for leave to file memorandum in opposition to Motion to quash subpoena duces tecum.
	Order granting motion of Defendant Strachan for leave to file a memorandum in opposition to quash subpoena duces tecum by 9:15 A.M., May 8, 1974.
	Each: Motion of Government for an order in re subpoena duces tecum issued to Richard M. Nixon, et al., together with Memorandum of Law in support thereof, filed and Ordered Sealed until further Order of Court. Sirica, J.
May 6, 1974	Reply of Defendant Mitchell to President Nixon's Motion to Quash Subpoena Duces Tecum.
May 7, 1974	Each: Memorandum of Defendant Ehrlichman in opposition to motion filed by President Richard M. Nixon to quash subpoena duces tecum issued by Court order of April 18, 1974.

Date	*Proceedings*
May 10, 1974	Response of Defendant Strachan in opposition to motion to quash.
	Motion of Defendant Strachan for order directing the issuance of a subpoena.
	Response by Defendant Colson to motion to quash subpoena.
	Opposition by Defendants Haldeman and Ehrlichman to motion of Special Prosecutor for leave to disclose matters occurring before the Grand Jury.
	Each: Memorandum for the United States in opposition to the motion to quash subpoena duces tecum; Appendix A, Filed and Ordered Sealed Until Further Order of Court. Sirica, J.
May 13, 1974	Each: Special appearance of Richard M. Nixon and motions to expunge and for a protective order; reply to memorandum in opposition to the motion to quash subpoena duces tecum; Appendix; Filed and Ordered Sealed Until Further Order of Court. Sirica, J.
	Each: Motion of Richard M. Nixon to quash subpoena duces tecum issued to him pursuant to Court's order of April 18, 1974, heard and taken under advisement. Sirica, J.
May 17, 1974	Each: Reply memorandum for the United States in opposition to the motion to quash subpoena duces tecum and motion to expunge; Exhibits A–D, inclusive; Filed and Ordered Sealed Until Further Order of Court. Sirica, J.
May 20, 1974	Each: Opinion and Order denying President Nixon's motion to quash a subpoena duces tecum issued to him by the Watergate Special Prosecutor; directing that the President or any subordinate, etc., having control of the subpoenaed items, deliver same to the Court, together with an index and analysis and copy of tape recording as described in the opinion; directing that motions for protective orders and to expunge filed or raised orally in the matter, except to the extent already granted by the Court in proceedings heretofore are denied; further ordering that should the President initiate appellate review of the Court's order prior to 4:00 P.M., Friday, May 24, 1974, the Court's order shall be stayed pending the completion of such review. Sirica, J.
	Each: Portion of reply brief of President, pages 1–7, inclusive only, in re President's motions to expunge and for a protective order, etc., filed May 13, 1974, Unsealed and Filed In Case Jacket. Sirica, J.
	Each: Portion of rep'y memorandum of United States in opposition to the President's motion to quash subpoena duces tecum and motion to expunge, pages 4–16, inclusive; Exhibits A–1, A–2, B–1, B–2, B–3, B–4, C–1, C–2, and D–1, only, filed May 17, 1974, Unsealed and Filed in Case Jacket. Sirica, J.

Date	*Proceedings*
May 21, 1974	Each: Letter dated May 15, 1974 from James D. St. Clair, Special Counsel to the President, to Judge Sirica, requesting inter alia, that regardless of Court's rulings on present pending motions to quash and to expunge and for a protective order, Court should continue to maintain confidentiality in order to prevent disclosure of matters that would result in irreparable prejudice to the President, etc., Filed and Ordered Sealed Until Further Order of Court. Sirica, J.
May 24, 1974	Each: Notice of Appeal by President Richard M. Nixon from the Order entered May 20, 1974.
	Each: Copies of Notice of Appeal by President Nixon sent to U.S. Court of Appeals and Office of the Special Prosecutor and all counsel of record. Copy of docket entries sent to U.S. Court of Appeals.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Criminal No. 74–110

Violation of 18 U.S.C. §§ 371, 1001, 1503, 1621, and 1623 (conspiracy, false statements to a government agency, obstruction of justice, perjury and false declarations.)

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, HARRY R. HALDEMAN, JOHN D. EHRLICHMAN, CHARLES W. COLSON, ROBERT C. MARDIAN, KENNETH W. PARKINSON, AND GORDON STRACHAN, DEFENDANTS

INDICTMENT

The Grand Jury charges:

INTRODUCTION

1. On or about June 17, 1972, Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez, James W. McCord, Jr. and Frank L. Sturgis were arrested in the offices of the Democratic National Committee, located in the Watergate office building, Washington, D.C., while attempting to photograph documents and repair a surreptitious electronic listening device which had previously been placed in those offices unlawfully.

2. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, a department and agency of the United States, and the Central Intelligence Agency was an agency of the United States.

3. Beginning on or about June 17, 1972, and continuing up to and including the date of the filing of this indictment, the Fed-

eral Bureau of Investigation and the United States Attorney's Office for the District of Columbia were conducting an investigation, in conjunction with a Grand Jury of the United States District Court for the District of Columbia which had been duly empanelled and sworn on or about June 5, 1972, to determine whether violations of 18 U.S.C. 371, 2511 and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia, had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

4. On or about September 15, 1972, in connection with the said investigation, the Grand Jury returned an indictment in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia charging Bernard L. Barker, Virgilio R. Gonzalez, E. Howard Hunt, Jr., G. Gordon Liddy, Eugenio R. Martinez, James W. McCord, Jr., and Frank L. Sturgis wtih conspiracy, burglary and unlawful endeavor to intercept wire communications.

5. From in or about January 1969, to on or about March 1, 1972, JOHN N. MITCHELL, the DEFENDANT, was Attorney General of the United States. From on or about April 9, 1972, to on or about June 30, 1972, he was Campaign Director of the Committee to Re-Elect the President.

6. At all times material herein up to on or about April 30, 1973, HARRY R. HALDEMAN, the DEFENDANT, was Assistant to the President of the United States.

7. At all times material herein up to on or about April 30, 1973, JOHN D. EHRLICHMAN, the DEFENDANT, was Assistant for Domestic Affairs to the President of the United States.

8. At all times material herein up to on or about March 10, 1973, CHARLES W. COLSON, the DEFENDANT, was Special Counsel to the President of the United States.

9. At all times material herein, ROBERT C. MARDIAN, the DEFENDANT, was an official of the Committee to Re-Elect the President.

10. From on or about June 21, 1972, and at all times material herein, KENNETH W. PARKINSON, the DEFENDANT, was an attorney representing the Committee to Re-Elect the President.

11. At all times material herein up to in or about November 1972, GORDON STRACHAN, the DEFENDANT, was a Staff

Assistant to HARRY R. HALDEMAN at the White House. Thereafter he became General Counsel to the United States Information Agency.

COUNT ONE

12. From on or about June 17, 1972, up to and including the date of the filing of this indictment, in the District of Columbia and elsewhere, JOHN N. MITCHELL, HARRY R. HALDEMAN, JOHN D. EHRLICHMAN, CHARLES W. COLSON, ROBERT C. MARDIAN, KENNETH W. PARKINSON and GORDON STRACHAN, the DEFENDANTS, and other persons to the Grand Jury known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other, to commit offenses against the United States, to wit, to obstruct justice in violation of Title 18, United States Code, Section 1503, to make false statements to a government agency in violation of Title 18, United States Code, Section 1001, to make false declarations in violation of Title 18, United States Code, Section 1623, and to defraud the United States and Agencies and Departments thereof, to wit, the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and the Department of Justice, of the Government's right to have the officials of these Departments and Agencies transact their official business honestly and impartially, free from corruption, fraud, improper and undue influence, dishonesty, unlawful impairment and obstruction, all in violation of Title 18, United States Code, Section 371.

13. It was a part of the conspiracy that the conspirators would corruptly influence obstruct and impede, and corruptly endeavor to influence, obstruct and impede, the due administration of justice in connection with the investigation referred to in paragraph three (3) above and in connection with the trial of Criminal Case No. 1827–72 in the United States District Court for the District of Columbia, for the purpose of concealing and causing to be concealed the identities of the persons who were responsible for, participated in, and had knowledge of (a) the activities which were the subject of the investigation and trial, and (b) other illegal and improper activities.

14. It was further a part of the conspiracy that the conspirators would knowingly make and cause to be made false statements to the FBI and false material statements and declarations under oath in proceedings before and ancillary

to the Grand Jury and a Court of the United States, for the purposes stated in paragraph thirteen (13) above.

15. It was further a part of the conspiracy that the conspirators would, by deceit, craft, trickery and dishonest means, defraud the United States by interfering with and obstructing the lawful governmental functions of the CIA, in that the conspirators would induce the CIA to provide financial assistance to persons who were subjects of the investigation referred to in paragraph three (3) above, for the purposes stated in paragraph thirteen (13) above.

16. It was further a part of the conspiracy that the conspirators would, by deceit, craft, trickery and dishonest means, defraud the United States by interferring with and obstructing the lawful governmental functions of the FBI and the Department of Justice, in that the conspirators would obtain and attempt to obtain from the FBI and the Department of Justice information concerning the investigation referred to in paragraph three (3) above, for the purposes stated in paragraph thirteen (13) above.

17. Among the means by which the conspirators would carry out the aforesaid conspiracy were the following:

(a) The conspirators would direct G. Gordon Liddy to seek the assistance of Richard G. Kleindienst, then Attorney General of the United States, in obtaining the release from the District of Columbia jail of one or more of the persons who had been arrested on June 17, 1972, in the offices of the Democratic National Committee in the Watergate office building in Washington, D.C., and G. Gordon Liddy would seek such assistance from Richard G. Kleindienst.

(b) The conspirators would at various times remove, conceal, alter and destroy, attempt to remove, conceal, alter and destroy, and cause to be removed, concealed, altered and destroyed, documents, papers, records and objects.

(c) The conspirators would plan, solicit, assist and facilitate the giving of false, deceptive, evasive and misleading statements and testimony.

(d) The conspirators would give false, misleading, evasive and deceptive statements and testimony.

(e) The conspirators would covertly raise, acquire, transmit, distribute and pay cash funds to and for the

benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia, both prior to and subsequent to the return of the indictment on September 15, 1972.

(f) The conspirators would make and cause to be made offers of leniency, executive clemency and other benefits to E. Howard Hunt, Jr., G. Gordon Liddy, James W. McCord, Jr., and Jeb S. Magruder.

(g) The conspirators would attempt to obtain CIA financial assistance for persons who were subjects of the investigation referred to in paragraph three (3) above.

(h) The conspirators would obtain information from the FBI and the Department of Justice concerning the progress of the investigation referred to in paragraph three (3) above.

18. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of Columbia and elsewhere:

OVERT ACTS

1. On or about June 17, 1972, JOHN N. MITCHELL met with ROBERT C. MARDIAN in or about Beverly Hills, California, and requested MARDIAN to tell G. Gordon Liddy to seek the assistance of Richard G. Kleindienst, then Attorney General of the United States, in obtaining the release of one or more of the persons arrested in connection with the Watergate break-in.

2. On or about June 18, 1972, in the District of Columbia, GORDON STRACHAN destroyed documents on the instructions of HARRY R. HALDEMAN.

3. On or about June 19, 1972, JOHN D. EHRLICHMAN met with John W. Dean, III, at the White House in the District of Columbia, at which time EHRLICHMAN directed Dean to tell G. Gordon Liddy that E. Howard Hunt, Jr., should leave the United States.

4. On or about June 19, 1972, CHARLES W. COLSON and JOHN D. EHRLICHMAN met with John W. Dean, III, at the White House in the District of Columbia, at which time EHRLICHMAN directed Dean to take possession of the contents of E. Howard Hunt, Jr.'s safe in the Executive Office Building.

5. On or about June 19, 1972, ROBERT C. MARDIAN and JOHN N. MITCHELL met with Jeb S. Magruder at MITCHELL's apartment in the District of Columbia, at which time MITCHELL suggested that Magruder destroy documents from Magruder's files.

6. On or about June 20, 1972, G. Gordon Liddy met with Fred C. LaRue and ROBERT C. MARDIAN at LaRue's apartment in the District of Columbia, at which time Liddy told LaRue and MARDIAN that certain "commitments" had been made to and for the benefit of Liddy and other persons involved in the Watergate break-in.

7. On or about June 24, 1972, JOHN N. MITCHELL and ROBERT C. MARDIAN met with John W. Dean, III, at 1701 Pennsylvania Avenue in the District of Columbia, at which time MITCHELL and MARDIAN suggested to Dean that the CIA be requested to provide covert funds for the assistance of the persons involved in the Watergate break-in.

8. On or about June 26, 1972, JOHN D. EHRLICHMAN met with John W. Dean, III, at the White House in the District of Columbia, at which time EHRLICHMAN approved a suggestion that Dean ask General Vernon A. Walters, Deputy Director of the CIA, whether the CIA could use covert funds to pay the bail and salaries of the persons involved in the Watergate break-in.

9. On or about June 28, 1972, JOHN D. EHRLICHMAN had a conversation with John W. Dean, III, at the White House in the District of Columbia, during which EHRLICHMAN approved the use of Herbert W. Kalmbach to raise cash funds with which to make covert payments to and for the benefit of the persons involved in the Watergate break-in.

10. On or about July 6, 1972, KENNETH W. PARKINSON had a conversation with William O. Bittman in or about the District of Columbia, during which PARKINSON told Bittman that "Rivers is OK to talk to."

11. On or about July 7, 1972, Anthony Ulasewicz delivered approximately $25,000 in cash to William O. Bittman at 815 Connecticut Avenue, N. W., in the District of Columbia.

12. In or about mid-July, 1972, JOHN N. MITCHELL and KENNETH W. PARKINSON met with John W. Dean, III, at 1701 Pennsylvania Avenue, N. W. in the District of Columbia, at which time MITCHELL advised Dean to obtain FBI reports on the investigation into the Watergate break-in for PARKINSON and others.

13. On or about July 17, 1972, Anthony Ulasewicz delivered approximately $40,000 in cash to Dorothy Hunt at Washington National Airport.

14. On or about July 17, 1972, Anthony Ulasewicz delivered approximately $8,000 in cash to G. Gordon Liddy at Washington National Airport.

15. On or about July 21, 1972, ROBERT C. MARDIAN met with John W. Dean, III, at the White House in the District of Columbia, at which time MARDIAN examined FBI reports of the investigation concerning the Watergate break-in.

16. On or about July 26, 1972, JOHN D. EHRLICHMAN met with Herbert W. Kalmbach at the White House in the District of Columbia, at which time EHRLICHMAN told Kalmbach that Kalmbach had to raise funds with which to make payments to and for the benefit of the persons involved in the Watergate break-in, and that it was necessary to keep such fund raising and payments secret.

17. In or about late July or early August, 1972, Anthony Ulasewicz made a delivery of approximately $43,000 in cash at Washington National Airport.

18. In or about late July or early August, 1972, Anthony Ulasewicz made a delivery of approximately $18,000 in cash at Washington National Airport.

19. On or about August 29, 1972, CHARLES W. COLSON had a conversation with John W. Dean, III, during which Dean advised COLSON not to send a memorandum to the authorities investigating the Watergate break-in.

20. On or about September 19, 1972, Anthony Ulasewicz delivered approximately $53,000 in cash to Dorothy Hunt at Washington National Airport.

21. On or about October 15, 1972, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $20,000 in cash to William O. Bittman.

22. On or about November 13, 1972, in the District of Columbia, E. Howard Hunt, Jr., had a telephone conversation with CHARLES W. COLSON, during which Hunt discussed with COLSON the need to make additional payments to and for the benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia.

23. In or about mid-November, 1972, CHARLES W. COLSON met with John W. Dean, III, at the White House

in the District of Columbia, at which time COLSON gave Dean a tape recording of a telephone conversation between COLSON and E. Howard Hunt, Jr.

24. On or about November 15, 1972, John W. Dean, III, met with JOHN D. EHRLICHMAN and HARRY R. HALDEMAN at Camp David, Maryland, at which time Dean played for EHRLICHMAN and HALDEMAN a tape recording of a telephone conversation between CHARLES W. COLSON and E. Howard Hunt, Jr.

25. On or about November 15, 1972, John W. Dean, III, met with JOHN N. MITCHELL in New York City, at which time Dean played for MITCHELL a tape recording of a telephone conversation between CHARLES W. COLSON and E. Howard Hunt, Jr.

26. On or about December 1, 1972, KENNETH W. PARKINSON met with John W. Dean,, III, at the White House in the District of Columbia, at which time PARKINSON gave Dean a list of anticipated expenses of the defendants during the trial of Criminal Case No. 1827–72 in the United States District Court for the the District of Columbia.

27. In or about early December, 1972, HARRY R. HALDEMAN had a telephone conversation with John W. Dean, III, during which HALDEMAN approved the use of a portion of a cash fund of approximately $350,000, then being held under HALDEMAN's control, to make additional payments to and for the benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia.

28. In or about early December, 1972, GORDON STRACHAN met with Fred C. LaRue at LaRue's apartment in the District of Columbia, at which time STRACHAN delivered approximately $50,000 in cash to LaRue.

29. In or about early December, 1972, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $40,000 in cash to William O. Bittman.

30. On or about January 3, 1973, CHARLES W. COLSON met with JOHN D. EHRLICHMAN and John W. Dean, III, at the White House in the District of Columbia, at which time COLSON, EHRLICHMAN and Dean discussed the need to make assurances to E. Howard Hunt, Jr. concerning the length of time E. Howard Hunt, Jr. would have to spend in jail if he were convicted in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia.

31. In or about early January, 1973, HARRY R. HALDEMAN had a conversation with John W. Dean, III, during which HALDEMAN approved the use of the balance of the cash fund referred to in Overt Act No. 27 to make additional payments to and for the benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia.

32. In or about early January, 1973, GORDON STRACHAN met with with Fred C. LaRue at LaRue's apartment in the District of Columbia, at which time STRACHAN delivered approximately $300,000 in cash to LaRue.

33. In or about early January, 1973, JOHN N. MITCHELL had a telephone conversation with John W. Dean, III, during which MITCHELL asked Dean to have John C. Caulfield give an assurance of executive clemency to James W. McCord, Jr.

34. In or about mid-January, 1973, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $20,000 in cash to a representative of G. Gordon Liddy.

35. On or about February 11, 1973, in Rancho La Costa, California, JOHN D. ERHLICHMAN and HARRY R. HALDEMAN met with John W. Dean, III, and discussed the need to raise money with which to make additional payments to and for the benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia.

36. In or about late February, 1973, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $25,000 in cash to William O. Bittman.

37. In or about late February, 1973, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $35,000 in cash to William O. Bittman.

38. On or about March 16, 1973, E. Howard Hunt, Jr., met with Paul O'Brien at 815 Connecticut Avenue, N.W. in the District of Columbia, at which time Hunt told O'Brien that Hunt wanted approximately $120,000.

39. On or about March 19, 1973, JOHN D. EHRLICHMAN had a conversation with John W. Dean, III, at the White House in the District of Columbia, during which EHRLICHMAN told Dean to inform JOHN N. MITCHELL about the fact that E. Howard Hunt, Jr. had asked for approximately $120,000.

40. On or about March 21, 1973, from approximately 11:15 a.m. to approximately noon, HARRY R. HALDEMAN and

John W. Dean, III, attended a meeting at the White House in the District of Columbia, at which time there was a discussion about the fact that E. Howard Hunt, Jr. had asked for approximately $120,000.

41. On or about March 21, 1973, at approximately 12:30 p.m., HARRY R. HALDEMAN had a telephone conversation with JOHN N. MITCHELL.

42. On or about the early afternoon of March 21, 1973, JOHN N. MITCHELL had a telephone conversation with Fred C. LaRue during which MITCHELL authorized LaRue to make a payment of approximately $75,000 to and for the benefit of E. Howard Hunt, Jr.

43. On or about the evening of March 21, 1973, in the District of Columbia, Fred C. LaRue arranged for the delivery of approximately $75,000 in cash to William O. Bittman.

44. On or about March 2, 1973, JOHN D. EHRLICHMAN, HARRY R. HALDEMAN, and John W. Dean, III, met with JOHN N. MITCHELL at the White House in the District of Columbia, at which time MITCHELL assured EHRLICHMAN that E. Howard Hunt, Jr. was not a "problem" any longer.

45. On or about March 22, 1973, JOHN D. EHRLICHMAN had a conversation with Egil Krogh at the White House in the District of Columbia, at which time EHRLICHMAN assured Krogh that EHRLICHMAN did not believe that E. Howard Hunt, Jr. would reveal certain matters.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

1. From on or about June 17, 1972, up to and including the date of the filing of this indictment, in the District of Columbia, and elsewhere, JOHN N. MITCHELL, HARRY R. HALDEMAN, JOHN D. EHRLICHMAN, CHARLES W. COLSON, KENNETH W. PARKINSON and GORDON STRACHAN, the DEFENDANTS, unlawfully, willfully and knowingly did corruptly influence, obstruct and impede, and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's Office for the District of Columbia, in conjunction with a Grand Jury of the United States District Court

for the District of Columbia, and in connection with the trial of Criminal Case No. 1827–72 in the United States District Court for the District of Columbia, by making cash payments and offers of other benefits to and for the benefit of the defendants in Criminal Case No. 1827–72 in the United States District Court for the District of Columbia, and to others, both prior to and subsequent to the return of the indictment on September 15, 1972, for the purpose of concealing and causing to be concealed the identities of the persons who were responsible for, participated in, and had knowledge of the activities which were the subject of the investigation and trial, and by other means.

(Title 18, United States Code, Sections 1503 and 2.)

COUNT THREE

The Grand Jury further charges:

On or about July 5, 1972, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, did knowingly and willfully make false, fictitious and fraudulent statements and representations to agents of the Federal Bureau of Investigation, Department of Justice, which Department was then conducting an investigation into a matter within its jurisdiction, namely, whether violations of 18 U.S.C. 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and the District of Columbia, had been committed in the District of Columbia and elsewhere in connection with the break-in at the Democratic National Committee Headquarters at the Watergate office building on June 17, 1972, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations, in that he stated that he had no knowledge of the break-in at the Democratic National Committee Headquarters other than what he had read in newspaper accounts of that incident.

(Title 18, United States Code, Section 1001.)

COUNT FOUR

The Grand Jury further charges:

1. On or about September 14, 1972, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand

Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

4. At the time and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

> Q. Was there any program, to your knowledge, at the Committee, or any effort made to organize a covert or clandestine operation, basically, you know, illegal in nature, to get information or to gather intelligence about the activities of any of the Democratic candidates for public office or any activities of the Democratic Party?
>
> A. *Certainly not, because, if there had been, I would have shut it off as being entirely nonproductive at that particular time of the campaign.*
>
> * * * * *
>
> Q. Did you have any knowledge, direct or indirect, of Mr. Liddy's activities with respect to any intelli-

gence gathering effort with respect to the activities of the Democratic candidates or its Party?

A. *None whatsoever, because I didn't know there was anything going on of that nature, if there was. So I wouldn't anticipate having heard anything about his activities in connection with it.*

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

COUNT FIVE

The Grand Jury further charges:

1. On or about April 20, 1973, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, cause the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed information relating to unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

4. At the time and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Did Mr. LaRue tell you that Mr. Liddy had confessed to him?

A. *No, I don't recall that, no.*

Q. Did Mr. Mardian tell you that he'd confessed to him?

A. *No.*

Q. Do you deny that?

A. Pardon me?

Q. Do you deny that?

A. *I have no recollection of that.*

* * * * *

Q. So Mr. Mardian did not report to you that Mr. Liddy had confessed to him?

A. *Not to my recollection, Mr. Glanzer.*

Q. That would be something that you would remember, if it happened, wouldn't you?

A. Yes, I would.

* * * * *

Q. I didn't ask you that. I asked you were you told by either Mr. Mardian or Mr. LaRue or anybody else, at the Committee, prior to June 28th, 1972, that Mr. Liddy had told them that he was involved in the Watergate break-in?

A. *I have no such recollection.*

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

COUNT SIX

The Grand Jury further charges:

1. On or about July 10 and July 11, 1973, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, having duly taken an oath before a competent tribunal, to wit, the Select Committee on Presidential Campaign Activities. a duly

created and authorized Committee of the United States Senate conducting official hearings and inquiring into a matter in which a law of the United States authorizes an oath to be administered, that he would testify truly, did willfully, knowingly said contrary to such oath state material matters hereinafter set forth which he did not believe to be true.

2. At the time and place alleged, the said Committee was conducting an investigation and study, pursuant to the provisions of Senate Resolution 60 adopted by the United States Senate on February 7, 1973, of the extent, if any, to which illegal, improper or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, for the purpose of determining whether in its judgment any occurrences which might be revealed by the investigation and study indicated the necessity or desirability of the enactment of new legislation to safeguard the electoral process by which the President of the United States is chosen.

3. It was material to the said investigation and study that the said Committee ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed information relating to (a) unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and (b) related activities, through such means as the destruction of documents and other evidence of said facts.

4. At the times and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath before the said Committee, did willfully and knowingly state with respect to the material matters alleged in paragraph 3 as follows:

July 10, 1973:

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder——

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the Committee because of Mr. McCord's involvement, etc., etc., and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. *No, I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.*

July 11, 1973:

Senator WEICKER. Now, on June 19, Mr. Magruder has testified and Mr. LaRue has stated that Mr. Mitchell, that you instructed Magruder to destroy the Gemstone files, to in fact, have a bonfire with them.

* * * * *

Senator WEICKER. Did you suggest that any documents be destroyed, not necessarily Gemstone.

Mr. MITCHELL. To the best of my recollection.

Senator WEICKER. At the June 19 meeting at your apartment?

Did you suggest that any documents be destroyed, not necessarily Gemstone or not necessarily documents that relate to electronic surveillance?

Mr. MITCHELL. *To the best of my recollection when I was there there was no such discussion of the destruction of any documents. That was not the type of a meeting we were having.*

5. The italicized portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT, were material to the said investigation and study and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1621).

COUNT SEVEN

The Grand Jury further charges:

1. On or about July 30, 1973, in the District of Columbia, HARRY R. HALDEMAN, the DEFENDANT, having duly taken an oath before a competent tribunal, to wit, the Select Committee on Presidential Campaign Activities, a duly created and authorized Committee of the United States Senate conducting official hearings and inquiring into a matter in which a law of the United States authorizes an oath to be administered, that he would testify truly, did willfully, knowingly and contrary to such oath state material matters hereinafter set forth which he did not believe to be true.

2. At the same time and place alleged, the said Committee was conducting an investigation and study, pursuant to the provisions of Senate Resolution 60 adopted by the United States Senate on February 7, 1973, of the extent, if any, to which illegal, improper or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, for the purpose of determining whether in its judgment any occurrences which might be revealed by the investigation and study indicated the necessity or desirability of the enactment of new legislation to safeguard the electoral process by which the President of the United States is chosen.

3. It was material to the said investigation and study that the said Committee ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed, information relating to (a) unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C. and (b) related activities, through such means as the payment and promise of payment of money and other things of value to participants in these activities and to their families.

4. At the time and place alleged, HARRY R. HALDEMAN, the DEFENDANT, appearing as a witness under oath before the said Committee, did willfully and knowingly state with

respect to the material matters alleged in paragraph 3 as follows:

> I was told several times, starting in the summer of 1972, by John Dean and possibly also by John Mitchell that there was a need by the committee for funds to help take care of the legal fees and family support of the Watergate defendants. The committee apparently felt obliged to do this.
>
> * * * * *
>
> Since all information regarding the defense funds was given to me by John Dean, the counsel to the President, and possibly by John Mitchell, and since the arrangements for Kalmbach's collecting funds and for transferring the $350,000 cash fund were made by John Dean, and since John Dean never stated at the time that the funds would be used for any other than legal legal [sic] and proper purposes. I had no reason to question the propriety or legality of the process of delivering the $350,000 to the committee via LaRue or of having Kalmbach raise funds.
>
> I have no personal knowledge of what was done with the funds raised by Kalmbach or with the $350,000 that was delivered by Strachan to LaRue.
>
> It would appear that, at the White House at least, John Dean was the only one who knew that the funds were for "hush money", if, in fact, that is what they were for. The rest of us relied on Dean and all thought that what was being done was legal and proper. *No one, to my knowledge, was aware that these funds involved either blackmail or "hush money" until this suggestion was raised in March of 1973.*

5. The underscored portion of the statements quoted in paragraph 4, made by HARRY R. HALDEMAN, the DEFENDANT, was material to the said investigation and study and, as he then and there well knew, was false.

(Title 18, United States Code, Section 1621.)

COUNT EIGHT

The Grand Jury further charges:

1. On or about July 30 and July 31, 1973, in the District of Columbia, HARRY R. HALDEMAN, the DEFENDANT,

having duly taken an oath before a competent tribunal, to wit, the Select Committee on Presidential Campaign Activities, a duly created and authorized Committee of the United States Senate conducting official hearings and inquiring into a matter in which a law of the United States authorizes an oath to be administered, that he would testify truly, did willfully, knowingly and contrary to such oath state material matters hereinafter set forth which he did not believe to be true.

2. At the times and place alleged, the said Committee was conducting an investigation and study, pursuant to the provisions of Senate Resolution 60 adopted by the United States Senate on February 7, 1973, of the extent, if any, to which illegal, improper or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, for the purpose of determining whether in its judgment any occurrences which might be revealed by the investigation and study indicated the necessity or desirability of the enactment of new legislation to safeguard the electoral process by which the President of the United States is chosen.

3. It was material to the said investigation and study that the said Committee ascertain the identity and motives of the individual or individuals who were responsible for, participated in and had knowledge of efforts to conceal, and to cause to be concealed, information relating to (a) unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and (b) related activities, through such means as the payment and promise of payment of money and other things of value to participants in these activities and to their families.

4. At the times and place alleged, HARRY R. HALDEMAN, the DEFENDANT, appearing as a witness under oath before the said Committee, did willfully and knowingly state with respect to the material matters alleged in paragraph 3 as follows:

July 30, 1973:

> I was present for the final 40 minutes of the President's meeting with John Dean on the morning of March 21. Whilte (sic) I was not present for the first

hour of the meeting. I did listen to the tape of the entire meeting.

Following is the substance of that meeting to the best of my recollection.

* * *

He [Dean] also reported on a current Hunt blackmail threat. He said Hunt was demanding $120,000 or else he would tell about the seamy things he had done for Ehrlichman. The President pursued this in considerable detail, obviously trying to smoke out what was really going on. He led Dean on regarding the process and what he would recommend doing. He asked such things as—"Well, this is the thing you would recommend? We ought to do this? Is that right?" and he asked where the money would come from? how it would be delivered? and so on. He asked how much money would be involved over the years and Dean said "probably a million dollars—but the problem is that it is hard to raise." The President said "there is no problem in raising a million dollars, we can do that, *but it would be wrong.*"

July 31, 1973:

Senator BAKER. . . . What I want to point out to you is that one statement in your addendum seems to me of extraordinary importance and I want to test the accuracy of your recollection and the quality of your notetaking from those tapes, and I am referring to the last, next to the last, no, the third from the last sentence on page 2, "The President said there is no problem in raising a million dollars. We can do that but it would be wrong."

Now, if the period were to follow after "We can do that", it would be a most damning statement. If, in fact, the tapes clearly show he said "but it would be wrong," it is an entirely different context. Now, how sure are you, Mr. Haldeman, that those tapes, in fact say that?

Mr. HALDEMAN. *I am absolutely positive that the tapes—*

Senator BAKER. Did you hear it with your own voice?

Mr. HALDEMAN. *With my own ears, yes.*

Senator BAKER. I mean with your own ears. Was there any distortion in the quality of the tape in that respect?

Mr. HALDEMAN. No, I do not believe so.

* * * * *

Senator ERVIN. Then the tape said that the President said that there was no problem raising a million dollars.

Mr. HALDEMAN. Well, I should put that the way it really came, Mr. Chairman, which was that Dean said when the President said how much money are you talking about here and Dean said over a period of years probably a million dollars, but it would be very hard—it is very hard to raise that money. And the President said it is not hard to raise it. We can raise a million dollars. *And then got into the question of, in the one case before I came into the meeting making a statement that it would be wrong* and in other exploration of this getting into the—trying to find out what Dean was talking about in terms of a million dollars.

Senator ERVIN. Can you point—are you familiar with the testimony Dean gave about his conversations on the 13th and the 21st of March with the President?

Mr. HALDEMAN. I am generally familiar with it, yes, sir.

Senator ERVIN. Well, this tape corroborates virtually everything he said except that he said that the President could be—that the President said there would be no difficulty about raising the money and you say the only difference in the tape is that the President also added that but that would be wrong.

Mr. HALDEMAN. And there was considerable other discussion about what you do, what Dean would recommend, what should be done, how—what this process is and this sort of thing. It was a very—there was considerable exploration in the area.

5. The underscored portions of the statements quoted in paragraph 4, made by HARRY R. HALDEMAN, the DEFENDANT, were material to the said investigation and study and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1621.)

COUNT NINE

The Grand Jury further charges:

1. On or about August 1, 1973, in the District of Columbia, HARRY R. HALDEMAN, the DEFENDANT, having duly taken an oath before a competent tribunal, to wit, the Select Committee on Presidential Campaign Activities, a duly created and authorized Committee of the United States Senate conducting official hearings and inquiring into a matter in which a law of the United States authorizes an oath to be administered, that he would testify truly, did willfully, knowingly and contrary to such oath state material matters hereinafter set forth which he did not believe to be true.

2. At the time and place alleged, the said Committee was conducting an investigation and study, pursuant to the provisions of Senate Resolution 60 adopted by the United States Senate on February 7, 1973, of the extent, if any, to which illegal, improper or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, for the purpose of determining whether in its judgment any occurrences which might be revealed by the investigation and study indicated the necessity or desirability of the enactment of new legislation to safeguard the electoral process by which the President of the United States is chosen.

3. It was material to the said investigation and study that the said Committee ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed, information relating to (a) unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and (b) related activities, through such means as the commission of perjury and subornation of perjury.

4. At the time and place alleged, HARRY R. HALDEMAN, the DEFENDANT, appearing as a witness under oath before the said Committee, did willfully and knowingly state with respect to the material matters alleged in paragraph 3 as follows:

Senator GURNEY. Let's turn to the March 21 meeting.

* * * * *

Senator GURNEY. Do you recall any discussion by Dean about Magruder's false testimony before the Grand Jury?

Mr. HALDMAN. There was a reference to his feeling that Magruder had known about the Watergate planning and break-in ahead of it, in other words, that he was aware of what had gone on at Watergate. *I don't believe there was any reference to Magruder committing perjury.*

5. The underscored portion of the statements quoted in paragraph 4, made by HARRY R. HALDEMAN, the DEFENDANT, was material to the said investigation and study and, as he then and there well knew, was false.

(Title 18, United States Code, Section 1621.)

COUNT TEN

The Grand Jury further charges:

On or about July 21, 1973, in the District of Columbia, JOHN D. EHRLICHMAN, the DEFENDANT, did knowingly and willfully make false, fictitious and fraudulent statements and representations to agents of the Federal Bureau of Investigation, Department of Justice, which Department was then conducting an investigation into a matter within its jurisdiction, namely, whether violations of 18 U.S.C. 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and the District of Columbia, had been committed in the District of Columbia and elsewhere in connection with the break-in at the Democratic National Committee Headquarters at the Watergate office building on June 17, 1972, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations, in that he stated that he had neither received nor was he in possession of any information relative to the break-in at the Democratic National Committee Headquarters on June 17, 1972, other than what he had read in the way of newspaper accounts of that incident.

(Title 18, United States Code, Section 1001.)

COUNT ELEVEN

The Grand Jury further charges:

1. On or about May 3, and May 9, 1973, in the District of Columbia, JOHN D. EHRLICHMAN, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the times and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for participated in and had knowledge of efforts to conceal and to cause to be concealed, information relating to unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

4. At the times and place alleged, JOHN D. EHRLICHMAN, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

May 8, 1973:

Q. Mr. Ehrlichman, going back to that first week following the Watergate arrest, did you have any conversations besides those on Monday with Mr. Dean?

A. Yes, I did.

Q. Will you relate those to the ladies and gentlemen of the Grand Jury?

A. Well, I don't recall the content specifically of most of them. I know that I saw Mr. Dean because my log shows that he was in my office. I think it was four times that week, once in a large meeting—excuse me, more than four times.

He was in alone twice on Monday, and in the large meeting that I have described. He was in twice alone on other occasions, and then he was in a meeting that I had with Pat Gray—well, that was the following week. It was a span of seven days, within the span of seven days.

* * * * *

Q. All right. Now at any of those meetings with Mr. Dean, was the subject matter brought up of a person by the name of Gordon Liddy?

A. *I can't say specifically one way or the other.*

Q. So you can neither confirm nor deny that anything with respect to Mr. Liddy was brought up at any of those meetings, is that correct, sir?

A. I don't recall whether Mr. Liddy was being mentioned in the press and would have been the subject of an inquiry by somebody from the outside. If he would have, then it is entirely probable that his name came up.

Q. All right. Let's assume for a moment that Mr. Liddy's name did not in that first week arise in the press. Can you think of any other context in which his name came up, excluding any possible press problem with respect to the name of Liddy?

A. *I have no present recollection of that having happened.*

Q. So you can neither confirm nor deny whether or not the name of Gordon Liddy came up in the course of any conversation you had with Mr. Dean during that week, or for that matter with anyone else?

A. That's right, unless I had some specific event to focus on. Just to take those meetings in the abstract, I can't say that I have any recollection of that having happened in any of those.

Q. All right. Let's take the example of did anyone advise you, directly or indirectly, that Mr. Liddy was implicated or involved in the Watergate affair?

A. Well, they did at some time, and *I don't know whether it was during that week or not.*

Q. To the best of your recollection, when was that done, sir?

A. *I'm sorry but I just don't remember.*

Q. Well, who was it that advised you of that?

A. I think it was Mr. Dean, but I don't remember when he did it.

Q. Would it have been within a month of the investigation? Within three months of the investigation?

A. *I'm sorry but I just don't know.*

Q. You can't even say then whether it was within a week, a month, or three months? Is that correct, sir?

A. Well, I think it was fairly early on, but to say it was within a week or two weeks or something, I just don't know.

* * * * *

Q. Now Mr. Dean advised you that Mr. Liddy was implicated. Did you advise the United States Attorney or the Attorney General, or any other law enforcement agency immediately or at any time after?

A. *No. I don't think it was private information at the time I heard it.*

Q. Well, did you inquire to find out whether or not it was private information?

A. *To the best of my recollection, when I first heard it it was not in the nature of exclusively known to Dean, or anything of that kind.*

Q. Well, was it in the newspapers that he was involved?

A. *I'm sorry. I just don't remember. It probably was, but I just don't recall.*

Q. You mean the first time you found out from Mr. Dean that Liddy was involved, Mr. Ehrlichman, it was in the same newspaper or the newspapers that you yourself could have read?

A. No, no. I am telling you that I cannot remember the relationship of time, but my impression is that he was not giving me special information that was not available to other people.

A lot of Mr. Dean's information came out of the Justice Department apparently, and so I think the im-

pression I had was whatever he was giving us by way of information was known to a number of other people. That's what I meant by special information.

May 9, 1973:

Q. When did you first become aware that Mr. Liddy was involved?

A. I don't know.

Q. You don't know?

A. No, sir.

Q. Did you ever become aware of it?

A. Well, obviously I did, but I don't know when that was.

Q. Was it in June?

A. *I say I don't know.*

Q. Who told you?

A. *I don't know.*

Q. How did you learn it?

A. *I don't recall.*

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN D. EHRLICHMAN, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

COUNT TWELVE

The Grand Jury further charges:

1. On or about May 3 and May 9, 1973, in the District of Columbia, JOHN D. EHRLICHMAN, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and other statutes of the United

States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed, information relating to unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

4. At the times and place alleged, JOHN D. EHRLICHMAN, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

May 3, 1973:

Q. Now with respect to that, what further information did you receive that really related to this fundraising for the defendants and the defense counsel and their families?

A. I had a call from Mr. Kalmbach within four or five days to verify whether or not I had in fact talked to John Dean. I said that I had.

Q. This was a telephone call, sir?

A. I think it was. It may have been during a visit. I'm not sure. I used to see Mr. Kalmbach periodically about all kinds of things.

It may have been during a visit, but I think it was just a phone call.

He said substantially that John Dean had called me and said that I had no objection, and I said, "Herb, if you don't have any objection to doing it, I don't have any objection to your doing it, obviously."

He said, "No, I don't mind," and he went ahead.

* * * * *

Q. So far as you recall the only conversation that you recall is Mr. Kalmbach saying to you, "John Dean has asked me to do this," and you stated that you had no objection. He said that he was checking with you to determine whether you had any objection or not?

A. He was checking on Dean.

Q. On Dean?

Q. And you said to him, "If you don't have any objection then I don't have any objection"?

A. *Right.*

Q. Was there any discussion between the two of you as to the purpose for which this money was to be raised?

A. I don't think so.

Q. Did you in any way approve the purpose for which this money was being given?

A. *No, I don't think so. I don't recall doing so.*

Q. Based on your testimony for the background of this, there would have been no basis for your approval or for you to affirm that?

A. That's right. That's why I say that I don't believe that I did.

Q. And your best recollection is that you did not?

A. That's right.

Q. Do you have any recollection of Mr. Kalmbach inquiring of you whether or not this was appropriate, sir?

A. Questioning me with respect to that?

Q. Yes.

A. *No, I don't.*

Q. He did not, to the best of your recollection?

A. *I don't have any recollection of his doing so.*

May 9, 1973:

Q. You had never expressed, say back six or seven months ago, to Mr. Kalmbach that the raising of the money should be kept as a secret matter, and it would be either political dynamite, or comparable words, if it ever got out, when Mr. Kalmbach came to see you?

A. *No, I don't recall ever saying that.*

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN D. EHRLICHMAN, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

COUNT THIRTEEN

The Grand Jury further charges:

1. On or about April 11, 1973, in the District of Columbia, GORDON STRACHAN, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed, information relating to unlawful entries, into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

4. At the time and place alleged, GORDON STRACHAN, the DEFENDANT appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

> Q. Did you, yourself, ever receive any money from the Commitee for the Re-election of the President, or from the finance committee to re-elect the President?
>
> A. Yes, sir, I did.
>
> Q. Can you tell the ladies and gentlemen of the Grand Jury about that?

A. Yes, sir. On April 6, 1972, I received $350,000 in cash.

* * * * *

Q. From whom?

A. From Hugh Sloan.

* * * * *

Q. What was done with the money after you received it from Mr. Sloan on April 6th?

A. I put it in the safe.

Q. Was the money ever used?

A. Pardon?

Q. Was the money ever used?

A. No, the money was not used.

Q. To your knowledge, was it ever taken out of the safe?

A. No.

Q. To your knowledge, is it still there?

A. No, it is not.

Q. Where is it?

A. *I returned it to the committee, at Mr. Haldeman's direction, at the end of November.*

Q. November of '72?

A. Yes, '72, or early December.

* * * * *

Q. To whom did you return it?

A. To Fred LaRue.

Q. Where did that transfer take place?

A. I gave it to Mr. LaRue in his apartment.

* * * * *

Q. That was either late November or early December?

A. That's correct.

Q. Well, let me ask you this: Why would it have been given to Mr. LaRue at his apartment as opposed to being given to the Committee?

A. Well, Mr. LaRue is a member of the Committee and he just asked me to bring it by on my way home from work.

Q. After Mr. Haldeman told you to return the money, what did you do? Did you contact someone to arrange for the delivery?

A. Yes, I contacted Mr. LaRue.

Q. That was at Mr. Haldeman's suggestion or direction?

A. No.

Q. Why is it that you would have called Mr. LaRue?

A. I don't think Stans was in the country at that time. He was not available.

Q. What position did Mr. LaRue occupy that would have made you call him?

A. He was the senior campaign official.

Q. That's the only reason you called him?

A. *That's correct.*

Q. No one suggested you call him?

A. *No.*

* * * * *

Q. Was anyone present in Mr. LaRue's apartment at the hotel when you delivered the money to him?

A. No.

Q. Did you ever tell anyone to whom you had given the money? Did you report back to either Mr. Haldeman or anyone else that you had delivered the money and to whom you had delivered the money?

A. I don't think so. I could have mentioned that I had done it. When I received an order, I did it.

Q. Did you get a receipt for the money?

A. No, I did not.

Q. Did you ask for it?

A. No, I did not.

A JUROR: Why?

The WITNESS: I did not give a receipt when I received the money, so I didn't ask for one when I gave it back.

* * * * *

A JUROR: Did someone count the money when it came in and when it went out, so they knew there were no deductions made from that $350,000?

The WITNESS: Yes, I counted the money when I received it, and I counted it when I gave it back.

A JUROR: You solely counted it; no one else was with you?

The WITNESS: I counted it when I received it alone, and I counted it in front of Mr. LaRue when I gave it back.

A JUROR: You had that money in the White House for seven months and did nothing with it?

The WITNESS: That's correct.

* * * * *

Q. So who told you to give it to Mr. LaRue?

A. *I decided to give it to Mr. LaRue.*

Q. On your own initiative?

A. *That's correct.*

Q. Who do you report to?

A. Mr. Haldeman.

Q. Did you report back to Mr. Haldeman that you gave it to Mr. LaRue?

A. No, I did not.

Q. You just kept this all to yourself?

A. He was a senior official at the campaign. I gave it back to him. He said he would account for it, and that was it.

Q. Who told you to go to Mr. LaRue and give him the money?

A. *I decided that myself.*

Q. Do you have a memo in your file relating to this incident?

A. No, I do not.

Q. Did you discuss this incident with anybody afterwards?

A. Yes, I told Mr. Haldeman afterwards that I had given the money to Mr. LaRue.

Q. What did he say to you?

A. Fine. He was a senior campaign official.

Q. What time of day was it that you gave it to Mr. LaRue?

A. In the evening, after work.

Q. Does the finance committee or the Committee to Re-elect the President conduct its business in Mr. LaRue's apartment?

A. No. It was a matter of courtesy. He's a senior official. He asked me to drop it by after work.

* * * * *

The FOREMAN: Do you have any idea why Mr. LaRue asked you to return this money to his apartment, where actually you could just walk across 17th Street?

The WITNESS: No, I do not.

The FOREMAN: And you could have had the protec-

tion of the Secret Service guards with all that money, if you were afraid someone might snatch it from you.

The WITNESS: I wouldn't ask for the Secret Service guards protection.

A JUROR: Why not?

The WITNESS: They protect only the President and his family.

The FOREMAN: Or the White House guards, whoever. I mean, I find it somewhat dangerous for a person to be carrying this amount of money in Washington, in the evening, and you accompanied by your brother, when it would have been much easier and handier just to walk across 17th Street.

The WITNESS: I agree, and I was nervous doing it, but I did it.

* * * * *

The FOREMAN: I'm still puzzled. You get the money from the treasurer or whatever Mr. Sloan's position was in the Committee—shall we say on an official basis, between the disburser and you as the receiver, and the money sits in the safe for seven months; then Mr. Haldeman decides it has to go back to the Committee. You call Mr. LaRue—you don't call Mr. Sloan and say "Hugh, seven months ago you gave me this $350,000 and we haven't used any of it; I'd like to give it back to you since I got it from you", but you call Mr. LaRue.

The WITNESS: Mr. Sloan was no longer with the Committee at that time.

The FOREMAN: Well, whoever took Mr. Sloan's place.

The WITNESS: Mr. Barrett took Mr. Sloan's place.

The FOREMAN: Why didn't you call him?

The WITNESS: *I honestly don't know.*

* * * * *

Q. When you got to Mr. LaRue's apartment was he expecting you?

A. Yes. I said I would be by.

Q. And no one was present when you were there?

A. No, sir.

Q. Was the money counted?

A. Yes, sir, I counted it.

* * * * *

A JUROR: It must have taken a long time to count that money.

THE WITNESS: It did. It took about 45 minutes. It takes a long time to count it.

* * * * *

Q. How did you carry this money?

A. In a briefcase.

Q. Did you take the briefcase back, or did you leave it?

A. No, I left the briefcase.

Q. Whose briefcase was it?

A. Gee, I think it was mine. I'm honestly not sure.

Q. Did you ever get the briefcase back?

A. I don't think so.

Q. Have you spoken to Mr. LaRue since that day?

A. No—well, I ran into him at a party two weeks ago.

Q. Did you have a discussion?

A. No, just talked to him.

5. The underscored portions of the declarations quoted in paragraph 4, made by GORDON STRACHAN, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

A True Bill.

s VLADIMIR PREGELJ,
Foreman.

s LEON JAWORSKI,
Special Prosecutor,
Watergate Special Prosecution Force.

In the United States District Court for the District of Columbia

(Filed: April 18, 1974, James F. Davey, Clerk)
Crim. Case No. 74–110

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, ET AL.

ORDER

Upon consideration of the Motion of the United States for an order, pursuant to Rule 17(c), Federal Rules of Criminal Procedure, permitting the issuance of a subpoena for the production of certain materials before the Court prior to the trial of the above-captioned action, and defendants Charles W. Colson and Robert C. Mardian having joined in said Motion, and the Court having considered the Affidavit and Memorandum submitted in support of said Motion, and the Court having determined that the Motion should be granted, it is hereby this 18th day of April, 1974,

ORDERED that the attached subpoena be issued and made returnable before the Court at 10:00 a.m. on the 2nd day of May, 1974; and it is

FURTHER ORDERED that the United States Marshal for the District of Columbia is directed to serve forthwith a certified copy of this Order and the attached subpoena on Richard M. Nixon, The White House, Washington, D.C.; and it is

FURTHER ORDERED that delivery to James D. St. Clair, Special Counsel to the President, or any other person of suitable age and discretion at the White House or the Old Executive Office Building, Washington, D.C. on or before the 22nd day of April, 1974, shall be deemed good and sufficient service.

JOHN J. SIRICA,
United States District Judge.

United States District Court for the District of Columbia

No. 74–110

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, ET AL.

To Richard M. Nixon, The White House, Washington, D.C., or any subordinate officer, official, or employee with custody or control of the documents or objects hereinafter described on the attached schedule.

You are hereby commanded to appear in the United States District Court for the District of Columbia at Constitution Ave. & John Marshall Place in the city of the District of Columbia on the day of 1974 at ten o'clock A.M. to testify in the case of *United States* v. *John N. Mitchell, et al.* and bring with you the documents or objects listed on the attached schedule.

This subpoena is issued upon application of the[1] United States.

APRIL 16, 1974.

LEON JAWORSKI,
Attorney for the United States,
1425 K St. N.W., Washington, D.C.
Address

JAMES F. DAVEY,
Clerk.

By ROBERT L. LINE,
Deputy Clerk.

[1] Insert "United States," or "defendant" as the case may be.

RETURN

Received this subpoena at ____ on ____
and on ____ at ____ served it on the
within named ____ by delivering a copy to
h ____ and tendering to h ____ the fee for one day's
attendance and the mileage allowed by law.[2]

....,
By ....,

Dated:
----------, 19--
Service Fees
Travel ---------- $
Service ---------- --------
Total ---------- $

SCHEDULE OF DOCUMENTS AND OBJECTS TO BE PRODUCED BY OR ON BEHALF OF RICHARD M. NIXON

All tapes and other electronic and/or mechanical recordings or reproductions, and any memoranda, papers, transcripts, and other writings, relating to:

1. (a) Meeting on June 20, 1972, between the President and Charles W. Colson from 2:20 to 3:30 p.m. in the President's Executive Office Building office ("EOB"); (b) telephone conversation on June 20, 1972, between the President and Mr. Colson from 8:04 to 8:21 p.m. (placed from the EOB); and (c) telephone conversation between the President and Mr. Colson from 11:33 p.m. on June 20, 1972, to 12:05 a.m. on June 21, 1972 (placed from residence portion of the White House).

2. Three meetings on June 23, 1972, between the President and H. R. Haldeman from 10:04 to 10.39 a.m., from 1:04 to 1:13 p.m., and from 2:20 to 2:45 p.m. According to information furnished by the White House, the first meeting occurred in the Oval Office, and the third, in the EOB, with Ronald Ziegler in both cases present for part of the time. According to Mr. Haldeman's logs, the second meeting occurred in the Oval Office.

[2] Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

3. Meeting on the morning of November 15, 1972, among or between Messrs. Haldeman, John Ehrlichman, and John W. Dean, III in the President's office at Camp David.

4. Meeting and telephone conversation on January 5, 1973, between the President and Mr. Colson from 12:02 to 1:02 p.m. in the EOB and from 7:38 to 7:58 p.m. (placed from Camp David) respectively.

5. Meeting or telephone conversation in or about late January 1973 between the President and Mr. Colson in which E. Howard Hunt, Jr. was discussed.

6. Meetings between the President and Mr. Colson in the Oval Office on February 13, 1973, from 9:48 to 10:52 a.m. and on February 14, 1973, from 10:13 to 10:49 a.m. respectively.

7. Meeting on or about February 20, 1973, between the President and Mr. Haldeman in which Jeb Stuart Magruder was discussed.

8. Meeting on February 27, 1973, between the President and Mr. Dean from 3:55 to 4:20 p.m. in the Oval Office.

9. Meeting on March 17, 1973, between the President and Mr. Dean from 1:25 to 2:10 p.m. in the Oval Office.

10. Meetings on March 20, 1973, between the President and Mr. Haldeman from 10:47 a.m. to 12:10 p.m. (with Mr. Ehrlichman present from 11:40 a.m. on) and from 6:00 to 7:10 p.m. According to Mr. Haldeman's logs, these meetings occurred in the Oval Office.

11. Telephone conversation on March 20, 1973, between the President and Mr. Dean from 7:29 to 7:43 p.m.

12. Meeting on March 21, 1973, between the President and Mr. Ehrlichman from 9:15 to 10:12 a.m. in the Oval Office.

13. Telephone conversation on March 21, 1973, between the President and Mr. Colson from 7:53 to 8:24 p.m.

14. Meeting on March 22, 1973, between the President and Mr. Haldeman from 9:11 to 10:35 a.m. According to Mr. Haldeman's logs, this meeting occurred in the EOB.

15. Meeting on March 27, 1973, between the President and Mr. Ehrlichman from 11:10 a.m. to 1:30 p.m.,

with Mr. Haldeman present from 11:35 a.m. on. Mr. Ziegler and Stephen B. Bull were also present for parts of the time. According to Mr. Haldeman's logs, this meeting occurred in the EOB.

16. Meeting on March 30, 1973, between the President and Mr. Ehrlichman from 12:02 to 12:18 p.m. Mr. Ziegler may also have been present.

17. Telephone conversation on April 12, 1973, between the President and Mr. Colson from 7:31 to 7:48 p.m. (placed from residence portion of the White House).

18. Meeting on April 14, 1973, between the President and Mr. Ehrlichman from 8:55 to 11:31 a.m. in the EOB, with Mr. Haldeman present from 9:00 to 11:30 a.m.

19. Meeting on April 14, 1973, between the President and Mr. Haldeman from 1:55 to 2:13 p.m. in the Oval Office.

20. Meetings on April 14, 1973, among or between the President and Messrs. Ehrlichman and Haldeman from 2:24 to 3:55 p.m. and from 5:15 to 6:45 p.m. in the Oval Office and the EOB respectively.

21. Telephone conversation on April 14, 1973, between the President and Mr. Haldeman from 11:02 to 11:16 p.m. (placed from residenee portion of the White House).

22. Telephone conversation on April 14, 1973, between the President and Mr. Ehrlichman from 11:22 to 11:53 p.m. (placed from residence portion of the White House).

23. Meeting on April 15, 1973, between the President and Mr. Ehrlichman from 10:35 to 11:15 a.m. (time approximate) in the Oval Office.

24. Telephone conversation on April 15, 1973, between the President and Mr. Haldeman from 3:27 to 3:44 p.m. (placed from the EOB).

25. Telephone conversation on April 16, 1973, between the President and Mr. Haldeman from 12:08 to 12:23 a.m. (placed from residence portion of the White House).

26. Telephone conversations on April 16, 1973, between the President and Mr. Ehrlichman from 8:18 to 8:22 a.m. and from 9:27 to 9:49 p.m. (placed from and

received in residence portion of the White House respectively).

27. Meetings on April 16, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 9:50 to 9:59 a.m. and from 10:50 to 11:04 a.m., both in the Oval Office.

28. Meeting on April 16, 1973, between the President and Mr. Haldeman from noon to 12:31 p.m. in the Oval Office.

29. Meeting on April 16, 1973, between the President and Mr. Ehrlichman from 3:27 to 4:02 p.m. in the EOB. Mr. Ziegler was present from 3:35 p.m. on.

30. Meeting on April 17, 1973, between the President and Mr. Haldeman from 9:47 to 9:59 a.m. in the Oval Office.

31. Three meetings on April 17, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 12:35 to 2:20 p.m. in the Oval Office (with Mr. Ziegler present for part of the time), from 3:50 to 4:35 p.m. in the Oval Office, and from 5:50 to 7:14 p.m. in the EOB (with then Secretary William P. Rogers present for part of the time).

32. Telephone conversation on April 18, 1973, between the President and Mr. Haldeman from 12:05 to 12:20 a.m. (placed from residence portion of the White House).

33. Meeting on April 18, 1973, between the President and Mr. Ehrlichman from 3:05 to 3:23 p.m. in the Oval Office.

34. Meeting on April 18, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 6:30 to 8:05 p.m. in Aspen Lodge, Camp David.

35. Meeting on April 19, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 9:31 a.m. to 10:12 a.m. in the Oval Office.

36. Meetings on April 19, 1973, between the President and Mr. Ehrlichman from 1:03 to 1:30 p.m. and from 5:15 to 5:45 p.m. in the Oval Office and the EOB respectively.

37. Telephone conversation on April 19, 1973, between the President and Mr. Haldeman from 9:37 to 9:35 p.m (placed from the EOB).

38. Telephone conversation on April 19, 1973, between the President and Mr. Ehrlichman from 10:54 to 11:04 p.m. (received in residence portion of the White House).

39. Meetings on April 20, 1973, between the President and Mr. Haldeman from 8:15 to 8:39 a.m. and from 11:07 to 11:23 a.m., both in the Oval Office.

40. Meeting on April 20, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 12:16 to 12:34 p.m. in the Oral Office.

41. Meeting on April 25, 1973, among or between the President and Messrs. Haldeman and Ehrlichman from 11:06 a.m. to 1:55 p.m. According to Mr. Haldeman's logs, this meeting occurred in the EOB.

42. Meeting on April 25, 1973, between the President and Mr. Haldeman from 4:40 to 5:35 p.m. According to Mr. Haldeman's logs, this meeting occurred in the EOB.

43. Telephone conversations on April 25, 1973, between the President and Mr. Haldeman from 6:57 to 7:14 p.m. and from 7:46 to 7:53 p.m.

44. Telephone conversations on April 25, 1973, between the President and Mr. Ehrlichman from 7:17 to 7:19 p.m. and from 7:25 to 7:39. p.m.

45. Meetings on April 26, 1973, between the President and Mr. Haldeman from 8:55 to 10:24 a.m. and from 3:59 to 9:03 p.m., the latter with Mr. Ehrlichman present from 5:57 to 7:14 p.m. Messrs. Bull and Ziegler were also present at the second meeting for parts of the time. According to Mr. Haldeman's logs, the first meeting occurred in the Oval Office, and the second, in the EOB.

46. Telephone conversations on June 4, 1973, between the President and Mr. Haldeman from 10:05 to 10:20 p.m. and from 10:21 to 10:22 p.m. (both placed from residence portion of the White House).

In the United States District Court for the District of Columbia

Criminal No. 74–110

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, ET. AL., DEFENDANTS

SPECIAL APPEARANCE AND MOTION TO QUASH

Pursuant to Rule 17(c), Federal Rules of Criminal Procedure, Richard M. Nixon, President of the United States, through his counsel, enters this special appearance for the limited purpose of moving this Court to quash the subpoena duces tecum issued by this Court's order dated April 18, 1974, permitting production and inspection of certain materials and made returnable before this Court on May 2, 1974. For the reasons set forth in the Memorandum filed in support of this Motion, we respectfully request that this Court enter an order quashing the subpoena in all respects.

Respectfully submitted,

JAMES D. ST. CLAIR,
MICHAEL A. STERLACCI,
JOHN A. MCCAHILL,
JEROME J. MURPHY,
JEAN A. STAUDT,
EUGENE R. SULLIVAN,
JAMES J. TANSEY,
Attorneys for the President,
The White House
Washington, D.C. 20500
Telephone Number: 456–1414.

Of Counsel
CHARLES ALAN WRIGHT
2500 Red River Street,
Austin, Texas 78705.

In the United States District Court for the District of Columbia

Criminal No. 74–110

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, ET AL., DEFENDANTS.

FORMAL CLAIM OF PRIVILEGE

I, Richard Nixon, President of the United States, hereby represent to the Court that, except as noted hereafter, the materials covered by the subpoena issued April 18, 1974, to the extent that they exist, are within the constitutional privilege of the President to refuse to disclose confidential information when disclosure would be contrary to the public interest.

Portions of twenty of the conversations described in the subpoena have been made public and no claim of privilege is advanced with regard to those Watergate-related portions of those conversations. These are items 9, 11, 15, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30 and 31 of the subpoena.

The other items sought are confidential conversations between a President and his close advisors that it would be inconsistent with the public interest to produce. Thus I must respectfully claim privilege with regard to them to the extent that they may have been recorded, or that there may be memoranda, papers, transcripts, or other writings relating to them.

Respectfully submitted,

RICHARD NIXON,
President of the United States.

May 1, 1974.

Supreme Court of the United States

No. 73-1766 -- OCTOBER TERM, 1973.

UNITED STATES OF AMERICA, Petitioner

v.

RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, ET AL., Respondents

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O R D E R

The petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and the motion for an expedited schedule are granted.

The parties shall exchange and file briefs by 1:00 p.m. on June 21 and any responsive brief shall be filed by July 1, 1974. Oral argument is set for July 8, 1974, at 10:00 a.m. Each party is allowed one hour for argument.

CHIEF JUSTICE OF THE UNITED STATES

May 31, 1974.

Mr. Justice Rehnquist took no part in the consideration or decision of this petition.

Supreme Court of the United States

No. 73-1766

United States,

Petitioner,

v.

Richard M. Nixon, President of the United States et al.

ORDER ALLOWING CERTIORARI. Filed **May 31** ---------- , 19 **74.**

The petition herein for a writ of certiorari to the United States Court of Appeals for the **District of Columbia** Circuit is granted. **The parties shall exchange and file briefs by 1:00 p. m. on June 21 and any responsive brief shall be filed by July 1, 1974. Oral argument is set for July 8, 1974, at 10:00 a. m. Each party is allowed one hour for argument.**

Supreme Court of the United States

No. 73-1834

Richard M. Nixon, President of
the United States,

Petitioner,

v.

United States

ORDER ALLOWING CERTIORARI. Filed June 15 ----------, 19 74.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted, and the case is consolidated with No. 73-1766. The parties shall exchange and file briefs by 1:00 P.M. on June 21, 1974, and any responsive briefs shall be filed by July 1, 1974. Oral argument is set for July 8, 1974, at 10:00 A.M.

Mr. Justice Rehnquist took no part in the consideration or decision of this petition.